S.B.Civil Misc. Appeal No.1071/2005

Radhey Shyam vs. Abhay Kumar and another.

Date : 25.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. DS Rathore, for the appellant.

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Heard learned counsel for the appellant.

The appellant is aggrieved against the order dated 14.3.2005 to the extent that even after striking of defence, the appellant shall have right to contest the suit on other issues, other than the issue of default. The order dated 14.3.2005 is only an order of striking of defence and by this order, the trial court has not decided the contention which has been raised by the appellant before this court nor by this order, the trial court has refused to entertain any defence of the defendant/appellant. Therefore, the issue is open and the trial court, if passes an order against the appellant, then only the appellant can have any grievance.

In view of the above, this misc. appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya